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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   )  
10   )      CASE NO. MJ 17-037  
11         Plaintiff,                                    )  
12         v.    )  
13         ROBERT HAROLD SMITH,                        )  
14         Defendant.                                    )  
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14         Offense charged:      Felon in Possession of a Firearm

15         Date of Detention Hearing:   March 14, 2017.

16         The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
17         based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
18         that no condition or combination of conditions which defendant can meet will reasonably assure  
19         the appearance of defendant as required and the safety of other persons and the community.

20                   **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

21         1.         Defendant's past criminal history includes a number of felony charges, including  
22         firearms charges, failures to appear with bench warrant activity, burglary, bail jumping, and

01 drug charges. Defendant was convicted of possession of body armor and possession of a stolen  
02 firearm in 2007 in this District, being sentenced to 96 months in custody followed by 3 years  
03 supervised release. His U.S. Probation officer reports that he was non-compliant while on  
04 supervised release. Defendant incurred three violations of the conditions of supervision while  
05 serving his term of supervised release. Defendant has a pending Malicious Mischief 3<sup>rd</sup> Degree  
06 charge in Lakewood, Washington arising from an incident on November 8, 2016, for which he  
07 has also incurred a failure to appear.

08 2. Defendant poses a risk of nonappearance due to a history of failing to appear,  
09 history of controlled substance use, lack of employment and pending charged, as well as non-  
10 compliance while on supervised release in this District. Defendant poses a risk of danger due  
11 to criminal history, controlled substance use issues, noncompliance on supervision, and the  
12 nature and circumstances of the instant offense.

13 3. There does not appear to be any condition or combination of conditions that will  
14 reasonably assure the defendant's appearance at future Court hearings while addressing the  
15 danger to other persons or the community.

16 It is therefore ORDERED:

17 1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
18 General for confinement in a correction facility separate, to the extent practicable, from  
19 persons awaiting or serving sentences or being held in custody pending appeal;

20 2. Defendant shall be afforded reasonable opportunity for private consultation with  
21 counsel;

22 3. On order of the United States or on request of an attorney for the Government, the person

in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United State Pretrial Services Officer.

DATED this 14th day of March, 2017.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge